

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RAYMOND ALFORD BRADFORD,
Plaintiff,
v.
A. TORRES, et al.,
Defendants.

No. 2:21-cv-2296 KJN P

ORDER AND FINDINGS &
RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se. In his complaint, plaintiff sought leave to proceed in forma pauperis and provided an uncertified trust account statement. However, plaintiff is not permitted to proceed in forma pauperis in this action because plaintiff has sustained three strikes under 28 U.S.C. § 1915(g). See Bradford v. German, No. 1:15-cv-1511 LJO BAM P (E.D. Cal. Oct. 14, 2015) (ECF No. 4). Moreover, plaintiff does not seek relief with respect to conditions which adequately allege “imminent danger to serious physical injury.” 28 U.S.C. 1915(g). Rather, plaintiff alleges that on October 26, 2021, certain defendants deprived plaintiff of the ADA wheelchair van with lift and plaintiff sustained a spinal injury while plaintiff was being transported to California State Prison, Lancaster. While plaintiff claims he is in “imminent danger,” he provides no facts indicating that he is in imminent danger of serious physical injury. A prisoner seeking to invoke the imminent danger exception in § 1915(g) must make specific, credible allegations of imminent danger of serious physical harm. McNeil v.

1 United States, 2006 WL 581081 (W.D. Wash. Mar. 8, 2006) (citation omitted). Plaintiff has not
2 done so. Therefore, plaintiff's motion for in forma pauperis status should be denied, and plaintiff
3 should be required to pay the court's filing fee in order to proceed in this action.

4 In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court is
5 directed to assign a district judge to this case; and

6 IT IS HEREBY RECOMMENDED that:

7 1. Plaintiff's motion to proceed in forma pauperis be denied;
8 2. Plaintiff be granted fourteen days from the denial of his motion to proceed in forma
9 pauperis to pay the \$402.00 filing fee;

10 3. The motions included in his complaint be denied without prejudice until after plaintiff
11 pays the filing fee.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
17 objections shall be served and filed within fourteen days after service of the objections. The
18 parties are advised that failure to file objections within the specified time may waive the right to
19 appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

20 Dated: December 28, 2021

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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